

HOUSE BILL 2768  
By Brooks

AN ACT relative to certain health risks and safety risks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. A growing body of scientific knowledge demonstrates that children often suffer disproportionately from environmental health risks and safety risks. These risks arise because: children's neurological, immunological, digestive and other bodily systems are still developing; children eat more food, drink more fluids and breathe more air in proportion to their body weight than adults; children's size and weight may diminish their protection from standard safety features; and children's behavior patterns may make them more susceptible to accidents because they are less able to protect themselves. Therefore, to the extent permitted by law and appropriate, and consistent with the agency's mission, each state agency:

- (1) shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and
- (2) shall ensure that its policies, programs, activities and standards address disproportionate risks to children that result from environmental health risks or safety risks.

SECTION 2. As used in this act, unless the context otherwise requires:

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(1) "State agency" means any department, agency, authority, board, commission or other entity of state government.

(2) "Covered regulatory action" means any substantive action in a rulemaking, initiated after the effective date of this act that is likely to result in a rule that may concern an environmental health risk or safety risk that an agency has reason to believe may disproportionately affect children.

(3) "Environmental health risks and safety risks" mean risks to health or to safety that are attributable to products or substances that the child is likely to come in contact with or ingest (such as air, food, water and the commercial products).

### SECTION 3.

(a) There is hereby established the Tennessee task force on environmental health risks and safety risks to children, hereafter referred to as the "task force".

(b) The task force shall report to the governor.

(c) The task force shall be composed of the:

(1) commissioner of health, who shall serve as co-chair

(2) commissioner of environment and conservation, who shall serve as co-chair

(3) commissioner of education

(4) commissioner of labor

(5) commissioner of agriculture

(6) commissioner of transportation

(7) commissioner of finance and administration

(8) commissioner of human services

- (9) commissioner of children's services
- (10) commissioner of economic and community development
- (11) executive director, Tennessee housing development; and
- (12) Such other officials of executive departments and agencies as the governor may, from time to time, designate.

(d) Members of the task force may delegate their duties to subordinates.

#### SECTION 4.

(a) The task force shall recommend to the governor strategies for children's environmental health and safety, within budgetary limits, to include the following elements:

- (1) statements of principles, general policy and targeted annual priorities to guide approaches to achieving the goals of this act;
- (2) a coordinated research agenda for state government, including steps to implement the review of research databases described in Section 5 of this act;
- (3) recommendations for appropriate partnerships among federal, state and local governments, and the private, academic and nonprofit sectors;
- (4) proposals to enhance public outreach and communication to assist families in evaluating risks to children and in making informed consumer choices;
- (5) an identification of high-priority initiatives that state government has undertaken or will undertake in advancing protection of children's environmental health and safety; and

(6) a statement regarding the desirability of new legislation to fulfill or promote the purposes of this order.

(b) The task force shall prepare a biennial report on research, data or other information that would enhance the state's ability to understand, analyze and respond to environmental health risks and safety risks to children. For purposes of the report, state agencies shall identify and specifically describe for the task force key data needs related to environmental health risks and safety risks to children that have arisen in the course of the agency's programs and activities. The task force shall incorporate agency submissions into its report and ensure that this report is publicly available and widely disseminated.

(c) The task force shall exist for a period of four (4) years from its first meeting. At least six (6) months prior to the expiration of such period, the member agencies shall assess the need for continuation of the task force or its functions, and make appropriate recommendations to the governor.

## SECTION 5.

(a) Within six (6) months of the date of this order, the task force shall develop or direct to be developed a review of existing and planned data resources and a proposed plan for ensuring that state agencies have access to information on all research conducted or funded by the federal or state government that is related to adverse health risks in children resulting from exposure to environmental health risks or safety risks.

(b) The plan shall promote the sharing of information on academic and private research. It shall include recommendations to encourage that such data, to the extent

permitted by law, is available to the public, the scientific and academic communities, and all state agencies.

## SECTION 6.

(a) For each covered rule submitted for review to the government operations committees of the Senate and House of Representatives, the issuing agency shall provide the following information developed as part of the agency's decision-making process:

(1) an evaluation of the environmental health or safety effects of the rule on children; and

(2) an explanation of why the rule is preferable to other potentially effective and reasonably feasible alternatives considered by the agency.

(b) In emergency situations, or when an agency is obligated by law to act more quickly than normal procedures allow, the agency shall comply with the provisions of this section to the extent practicable.

(c) The analysis required by this section may be included as part of any other required analysis, and shall be made part of the administrative record.

## SECTION 7.

(a) The commissioner of finance and administration shall convene an interagency forum on child and family statistics, hereafter referred to as the "forum", which shall include representatives from the appropriate departmental and agency statistics and research divisions. The forum shall produce an annual compendium, hereafter referred

to as the "report", of the most important indicators of the well-being of the state's children.

(b) The forum shall determine the indicators to be included in each report and identify the sources of data to be used for each indicator. The forum shall provide an ongoing review of data on children and families, and shall make recommendations to improve the coverage and coordination of data collection and to reduce duplication and overlap.

(c) The report shall be published by the forum, which shall present the first annual report to the governor and the general assembly by January 15, 2000. The report shall be submitted annually thereafter, using the most recently available data.

SECTION 8. This act shall take effect on July 1, 1998, the public welfare requiring it.